

State of Florida
Department of Children and Families

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David E. Wilkins
Secretary

Office of Inspector General

Enhancing Public Trust in Government
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Chief of Investigations

**"Provide leadership in the promotion
of accountability and integrity of State Government."**

Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and
Advance Personal and Family Recovery

DEPARTMENT OF CHILDREN AND FAMILIES

OFFICE OF INSPECTOR GENERAL

Investigative Report

Case Number: 2011-0084

David E. Wilkins
Secretary

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Inspector General

INTRODUCTION

Section 409.167(1), Florida Statutes (F.S.), directs the Department of Children and Families (Department) to contract for the provision of family services by contracting with qualified organizations for an integrated system of Community-Based Care (CBC). Through Department Contract #03U537 between the Department and Community Based Care of Central Florida, Inc. (CBCCF), covering the period of April 1, 2011 through June 30, 2015, CBCCF serves as the lead CBC Agency in Circuit 9's area of responsibility (Orange and Osceola Counties). Through CBCCF Contract #0808003-1112, covering the period of July 1, 2011 through June 30, 2012, Devereux Foundation of Florida, Inc. (Devereux) is subcontracted to deliver child welfare services to clients in Orange and Osceola Counties.

According to Department information on May 11, 2011, the Florida Abuse Hotline¹ (Hotline) initiated Florida Safe Families Network² (FSFN) Intake ID #2011-109696-01, based on an allegation that [REDACTED] (the Mother) did not have the knowledge to care for her three-week-old son, [REDACTED] (Child 1). The case was assigned to Circuit 9 Child Protective Investigator (CPI) Edna Straw. On May 12, 2011, Child 1 was sheltered with Marie Burroughs (Foster Parent 1) and subsequently placed under the protective services supervision of Devereux (FSFN Case ID #100581360), and the case was assigned to Family Case Manager (FCM) Roxanne Brito. On May 17, 2011, the Hotline initiated an Additional Report³ (FSFN Intake ID #2011-109696-02) based on an allegation that the Mother's home was infested with roaches and the Mother and her remaining children, two-year-old [REDACTED] (Child 2) and one-year-old [REDACTED] (Child 3), were sleeping on a mattress on the floor. On June 16, 2011, Child 1 was placed with Winerva Vayoss (Foster Parent 2), as Foster Parent 1 was no longer able to care for Child 1.

On August 26, 2011, Circuit 9 Child Protective Investigator Supervisor (CPSS) Vanessa Snoddy reported to the Office of Inspector General (OIG) that on July 9, 2011, during the investigation of FSFN Intake ID #2011-109696,⁴ Ms. Straw reviewed FSFN case

¹ The Florida Abuse Hotline serves as the central intake and referral point for all reports of suspected abuse, neglect, or exploitation of children, disabled adults, and the elderly.

² The Florida Safe Families Network (FSFN) is Florida's federally funded Statewide Automated Child Welfare Information System (SACWIS) and, as such, is the state's primary record for each investigation and case pursuant to Rule 65C-30.001 (134), Florida Administrative Code (FAC). The SACWIS contains all reports, investigations, and cases regarding child abuse, neglect or abandonment and pertinent information regarding all activities involved in investigative and case management functions.

³ According to CFOP 175-25, an additional report contains new information about one or more subjects of an existing report.

⁴ On July 10, 2011, FSFN Intake ID #2011-109696 was closed with "Verified findings of 'Inadequate Supervision'" pertaining to Child 1, and "Not indicated findings of 'Environmental Hazards'" pertaining to Child 2 and Child 3.

notes and discovered that on July 4, 2011, Ms. Brito documented in FSFN Case ID #100581360 that an X-ray performed on Child 11 revealed a "healing fracture of the posterior right tenth rib" (healing fracture). Ms. Snoddy noted that she could find no record that Ms. Brito, or anyone else, submitted this information to the hotline.⁵ Ms. Snoddy further noted that there appeared to be a conflict of interest, as Ms. Brito is the daughter of Foster Parent 2.

Based on the information provided by Ms. Snoddy, the OIG initiated an investigation on August 30, 2011.

ALLEGATIONS AND FINDINGS

Allegation 1

Devereux Family Case Manager Roxanne Brito failed to make a mandatory child abuse report to the Hotline. If supported, the allegation would constitute a violation of Section I.C.1. of Contract #GJL57, between the Department and Community Based Care of Central Florida, Inc. (CBCCF); Article II, Section 2.1, Contract #OROS003-1112, between CBCCF and Devereux Foundation of Florida, Inc. (Devereux); Devereux Child Abuse and Neglect Reporting Requirements Acknowledgment Form; and a potential violation of § 39.201(1)(a) and (2)(a), F.S.

Findings

The information obtained **supports** the allegation.

According to the OIG Investigator's review of Ms. Brito's chronological note in FSFN Case ID #100581360, the following quoted information, in pertinent parts, was disclosed:

Date Entered: July 4, 2011
 Time Entered: 07:14 PM
 Contact Begin Date: July 4, 2011
 Contact Begin Time: 05:00 PM
 Type: Telephone Contact
 Subjects Contacted: [none listed]
 Subjects Not Contacted: [none listed]

[Foster Parent 2] contacted the FCM stating [Child] was sick... [Foster Parent 2] also stated that an X-ray was completed on [Child]. [Foster Parent 2] asked for a copy of the report to provide to the FCM and for her records. [Foster Parent 2] read through the report and noted that the triage press the following

1. Healing fracture of the posterior right tenth rib.

⁵ It is noted that a report was subsequently filed with the hotline (FSFN Case ID #2011535861) on July 9, 2011, alleging that Child 11 had a healing fracture. This case was assigned to Circuit 9 CPl James Bernier and closed on August 23, 2011, with "Verified" findings of "Physical Injury"; however, the "Caregiver Responsible" was "Unknown."

Testimony of Circuit 9 Child Protective Investigator Supervisor Vanessa Snoddy

Ms. Snoddy stated that on July 9, 2011, she was informed by Ms. Straw that while reviewing case notes in anticipation of closing FSFN Intake ID #2011-109006, she (Ms. Straw) noticed that on July 4, 2011, Ms. Brito documented in FSFN Case ID #100581360 that Child 1 had a healing fracture. According to Ms. Snoddy, she and Ms. Straw searched the FSFN records but found no evidence that a lab report was filed with the Hotline pertaining to Child 1's healing fracture. Ms. Snoddy opined that Ms. Brito should have filed a lab report with the Hotline as soon as she (Ms. Brito) learned (July 4, 2011) of Child 1's healing fracture.

Testimony of Circuit 9 Child Protective Investigator James Bernier

Mr. Bernier stated that on July 9, 2011, he was assigned FSFN Intake ID #2011-1555861 pertaining to Child 1's healing fracture. According to Mr. Bernier, during his investigation he reviewed Ms. Brito's notes in FSFN Intake ID #2011-109696 and discovered that Ms. Brito was aware of the healing fracture on July 4, 2011; however, Mr. Bernier stated that to his knowledge Ms. Brito never submitted a report to the Hotline. Mr. Bernier stated that his investigation revealed that the healing fracture was "non-accidental"; however, Mr. Bernier noted that there was no determination as to when the injury occurred or who was responsible for Child 1's injury. Mr. Bernier opined that Ms. Brito should have made a report to the Hotline once she learned of Child 1's healing fracture.

Testimony of Devereux Program Director Fia Llewellyn

Ms. Llewellyn stated that she had no knowledge of Child 1's healing fracture until sometime after the Hotline initiated FSFN Intake ID #2011-1555861 on July 9, 2011.⁶ Ms. Llewellyn stated that she subsequently learned (July 25, 2011)⁷ from Devereux Family Case Manager Supervisor (FCMS) Vanessa Velez that Foster Parent 2 took Child 1 for medical treatment on July 4, 2011, due to Child 1's congestion, at which time a chest X-ray was performed. Ms. Llewellyn stated that Ms. Velez indicated that Foster Parent 2 requested, and was provided with, Child 1's medical report from the attending medical personnel. According to Ms. Llewellyn, Foster Parent 2 subsequently reviewed the medical report, noticed the healing fracture and informed Ms. Brito of the healing fracture on July 4, 2011, at which time Ms. Brito requested that Foster Parent 2 provide her (Ms. Brito) with a copy of the medical report. According to Ms. Llewellyn, Ms. Velez stated that the medical personnel who examined Child 1 on July 4, 2011 never told Foster Parent 2 about the healing fracture and never submitted a report to the Hotline. Ms. Llewellyn stated that Ms. Velez indicated that Ms. Brito did not submit a report to the Hotline, since she (Ms. Brito) was trying to obtain Child 1's medical report from Foster Parent 2. Furthermore, Ms. Llewellyn opined that Ms. Brito was not trying to hide Child 1's healing fracture, since Ms. Brito documented her knowledge of the healing fracture in FSFN on July 4, 2011. According to Ms. Llewellyn, Ms. Brito should have made a report to the Hotline as soon as she (Ms. Brito) learned of the healing fracture and she (Ms. Brito) should not have waited for the medical records.

⁶ Ms. Llewellyn subsequently stated that she learned of Child 1's healing fracture on July 19, 2011.

⁷ Ms. Llewellyn stated that Devereux Family Case Manager Supervisor Vanessa Velez was on leave from July 18, 2011 through July 22, 2011, and returned to work on July 25, 2011.

Testimony of Devereux Family Case Manager Supervisor Vanessa Velez

Ms. Velez stated that she is Ms. Brito's direct supervisor and explained that on July 5, 2011, Ms. Brito informed her (Ms. Velez) that Foster Parent 2 called Ms. Brito on July 4, 2011 and informed Ms. Brito of Child 1's healing fracture, at which time Ms. Brito asked Foster Parent 2 to provide the medical records pertaining to the healing fracture. Ms. Velez noted that Ms. Brito documented the telephone call from Foster Parent 2 as well as what Foster Parent 2 stated pertaining to the healing fracture, in FSFN on July 4, 2011. According to Ms. Velez, Ms. Brito further informed her (Ms. Velez) that Foster Parent 2 was taking Child 1 to the Primary Care Physician (PCP) on July 5, 2011. According to Ms. Velez, on July 5, 2011 or July 6, 2011, Foster Parent 2 informed Ms. Brito that the PCP indicated that Child 1 needed a bone scan, however, Ms. Velez stated that the PCP never provided a referral for the bone scan and gave Foster Parent 2 directions on how to obtain a bone scan for Child 1. Ms. Velez stated that Ms. Brito instructed Foster Parent 2 to contact the PCP in order to determine the procedures for obtaining a bone scan for Child 1. According to Ms. Velez, she and Ms. Brito wanted to gather more information, including the medical records from the best X-ray performed on July 4, 2011 and the results of the bone scan, prior to filing a report with the Hotline, in order to be certain that all information ultimately provided to the Hotline was accurate. Ms. Velez stated that she believed, but was not certain, that FSFN Intake ID #2011-155861 was filed with the Hotline "about the same time" (July 9, 2011) as Ms. Brito obtained all of Child 1's medical records. Ms. Velez noted that Ms. Brito was not trying to hide any information regarding the healing fracture and documented everything in FSFN the same day she (Ms. Brito) learned of Child 1's healing fracture. Ms. Velez further noted that she understood that Ms. Brito should have made a report to the Hotline once she learned of the healing fracture and waiting to obtain medical records was not a reason to delay the filing of a report with the Hotline.

Testimony of Devereux Family Case Manager Roxanne Brito

Ms. Brito stated that on July 4, 2011, she was informed by Foster Parent 2 that she (Foster Parent 2) took Child 1 to the emergency room because Child 1 was sick. According to Ms. Brito, Foster Parent 2 explained that the medical personnel administered a chest X-ray and diagnosed that Child 1 suffered from Bronchitis.⁸ Ms. Brito stated that she was informed by Foster Parent 2 that she (Foster Parent 2) requested and received the medical records and subsequently noted that Child 1 had a healing fracture. According to Ms. Brito, she entered a note in FSFN explaining the healing fracture information she received from Foster Parent 2 and obtained the medical report from Foster Parent 2 on the same date (July 4, 2011). Ms. Brito stated that Foster Parent 2 was never informed by the medical personnel that Child 1 had a healing fracture and only learned of the healing fracture when she (Foster Parent 2) reviewed the medical report. Ms. Brito noted that Foster Parent 2 was advised to have a bone scan performed on Child 1; however, Ms. Brito could not recall if the emergency room personnel or Child 1's PCP made that recommendation. According to Ms. Brito, she did not make a report to the Hotline because she never suspected Child 1 had a bone

⁸ According to www.webmd.com, Bronchitis is a viral infection of the small air passages in the lungs.

noted that the medical personnel who examined Child 1 on July 4, 2011 never submitted an abuse report.⁹

Allegation 2

Devereux Family Case Manager Roxanne Brito created a conflict of interest by working on a case of personal interest. If supported, the allegation would constitute a violation of Section I.C.1. of Contract #GJL57, between the Department and Community Based Care of Central Florida, Inc. (CBCCF); Section 2.1 of Article II of Contract #OROS003-11122 between CBCCF and Devereux Foundation of Florida, Inc. (Devereux); and Section 6 of the Devereux Employee Handbook.

Findings

The information obtained **does not support** the allegation.

Testimony of Circuit 9 Child Protective Investigator Supervisor Vanessa Snoddy
Ms. Snoddy stated that on August 26, 2011, she attended a court hearing pertaining to a change of placement of Child 1 from Foster Parent 2 to a relative caregiver. According to Ms. Snoddy, immediately following the conclusion of the court hearing, she was informed by Devereux FCM Janette Hernandez that she (Ms. Hernandez) was the new FCM since Ms. Brito was the biological daughter of Foster Parent 2. Ms. Snoddy opined that it was a conflict of interest for Ms. Brito to have worked a case involving Child 1, since Ms. Brito's mother was Foster Parent 2.

Testimony of Circuit 9 Child Protective Investigator James Bernier
Mr. Bernier stated that during a telephone call with Ms. Brito on August 1, 2011, Ms. Brito acknowledged that she was the daughter of Foster Parent 2 and that Devereux was in the process of transferring FSN Case ID #100581360 to another FCM.¹⁰ Mr. Bernier opined that it was a conflict of interest for Ms. Brito to have worked a case involving Child 1, since Ms. Brito's mother was Foster Parent 2.

Testimony of Devereux Program Director Tia Ulewellyn
Ms. Ulewellyn stated that she did not become aware that Child 1 was placed with Foster Parent 2 until she received an email from Devereux Service Center Director Emily Garten on July 19, 2011, which noted a potential conflict of interest. Ms. Ulewellyn indicated that she was subsequently informed by Ms. Velez that in June 2011 (unknown date), Ms. Brito asked Devereux Licensing and Placement Supervisor Janice Bird if Foster Parent 2 was permitted to provide respite care¹¹ of Child 1, for Foster Parent 1,

⁹ Suncoast Region Legal Counsel Jennifer Lima-Smith advised the OIG Regional Investigator Supervisor that the definitions within Chapter 39, Florida Statutes (F.S.), specifically §§ 39.01 (32)(a)1.b., F.S., addresses "Harm" and entails "Bone or skull fractures." Based on that provision as well as § 39.301 (11)(a)1., F.S., which requires a child protective investigation be initiated when "Any allegation that involves physical abuse... medical neglect..." is made, Ms. Lima-Smith opined that Ms. Brito should have reported the injury (healing fracture) to the Hotline.

¹⁰ According to FSN records, FSN Case ID #100581360 was reassigned to Devereux FCM Janette Hernandez on August 3, 2011.

¹¹ According to Rule 65C-30.001 (119), F.A.C., "Respite Care" means the temporary (over twenty-four hours) intermittent care of a foster child by an individual other than the child's out-of-home caregiver regardless of whether the respite provider is paid by the agency.

at which time Ms. Brito indicated that this would have been a problem. According to Ms. Llewellyn, on June 16, 2011, Ms. Brito initiated a series of e-mails between herself (Ms. Brito) and Devereux Placement Worker Susette Fajardo, at which time there was a discussion regarding placing Child 1 with Foster Parent 2 on a permanent basis. Ms. Llewellyn stated that Ms. Brito's e-mail to Ms. Fajardo noted that Ms. Brito's mother was Foster Parent 2. Ms. Llewellyn indicated that Ms. Fajardo subsequently informed Ms. Brito that there was no conflict of interest with this placement and Child 1 was subsequently placed with Foster Parent 2 on June 6, 2011.

Testimony of Devereux Service Center Director Emily G. Garten

Ms. Garten stated that she was not involved in the placement of Child 1 and had no direct knowledge of the change of placement from Foster Parent 1 to Foster Parent 2. According to Ms. Garten, on July 19, 2011, she received an e-mail from BCCFCF Director of Licensing Beth Batten, who informed her (Ms. Garten) of the placement and the potential conflict of interest. Ms. Garten stated that she immediately informed Devereux Program Manager Lindsay Newton and Ms. Llewellyn that the current placement was a conflict of interest that needed to be corrected and suggested that the case be reassigned to another FCM.

Testimony of Devereux Family Case Manager Supervisor Vanessa Velez

Ms. Velez stated that on either June 14, 2011 or June 15, 2011, she and Ms. Brito approached Ms. Bird and explained that Foster Parent 1 needed respite care for Child 1 and that Ms. Brito's mother (Foster Parent 2) could provide respite care. Ms. Velez noted that Ms. Bird approved of the respite care but stated that respite care is normally arranged between the foster parents. According to Ms. Velez, on June 16, 2011, Ms. Brito contacted Ms. Fajardo by e-mail to discuss changing the permanent placement of Child 1 from Foster Parent 1 to Foster Parent 2 and Ms. Fajardo subsequently stated that the change of placement would be fine.

Testimony of Devereux Licensing and Placement Supervisor Julie Bird

Ms. Bird stated that in June 2011 (unknown date), she and her direct supervisor (Devereux Program Manager Lindsay Newton) were approached by Ms. Brito who explained that Foster Parent 1 requested respite care. According to Ms. Bird, Ms. Brito explained that her (Ms. Brito's) mother was a licensed foster parent and could provide respite care if that was acceptable. Ms. Bird stated that she informed Ms. Brito that Foster Parent 2 could provide respite care. According to Ms. Bird, Ms. Brito subsequently contacted Ms. Fajardo by e-mail on June 6, 2011 and explained that Foster Parent 1 could no longer care for Child 1, at which time Ms. Fajardo inquired if Foster Parent 2 could be a permanent placement for Child 1. Ms. Bird stated that she did not realize that Foster Parent 2 became a permanent placement for Child 1 until Ms. Newton sent an e-mail on July 19, 2011, explaining that there was a conflict of interest since Ms. Brito was the FCM and was also the daughter of Foster Parent 2.

Testimony of Devereux Program Manager Lindsay Newton

Ms. Newton stated that sometime in June 2011 (unknown date), she and Ms. Bird were approached by Ms. Brito, who noted that Foster Parent 1 was in need of respite care for

Child 1. According to Ms. Newton, Ms. Brito explained that her (Ms. Brito's) mother was a licensed foster parent and could provide respite care if that was acceptable. Ms. Newton stated that she and Ms. Brito informed Ms. Brito that Foster Parent 2 could provide respite care; however, Ms. Newton stated that Ms. Brito never asked her (Ms. Newton) if Foster Parent 2 could be a permanent placement for Child 1. Ms. Newton noted that the decision to provide respite care is normally handled between foster parents, without Devereux's involvement, and further noted that at no time had Ms. Brito were approached by Ms. Brito, it occurred in a hallway in the Devereux office and was a "very casual conversation." According to Ms. Newton, on July 19, 2011, she learned that Child 1 was permanently placed with Foster Parent 2 and she immediately sent an e-mail to Ms. Fajardo and Ms. Brito, noting that this placement was a conflict of interest.

Testimony of Devereux Licensing Specialist Sussette Fajardo

Ms. Fajardo stated that on June 16, 2011, she was approached by Ms. Brito, who indicated that Foster Parent 1 and Foster Parent 1's husband were both ill and needed respite care for Child 1. According to Ms. Fajardo, Ms. Brito explained that Foster Parent 2 was willing to provide respite care and Ms. Fajardo noted that she (Ms. Fajardo) asked Ms. Brito to provide an e-mail explaining the situation. Ms. Fajardo stated that on that same date (June 16, 2011), she received an e-mail from Ms. Brito in which Ms. Brito noted that Foster Parent 1 needed respite care and a placement change and subsequently noted that Foster Parent 2 was her (Ms. Brito's) mother. According to Ms. Fajardo, she contacted Intervention Services, Inc. (ISI) Intake and Placement Specialist Jessica DeVroy, who stated that she had no objection to the change of placement. Ms. Fajardo stated that it "did not dawn on me that there could be a conflict of interest."

Testimony of ISI Intake and Placement Specialist Jessica DeVroy

Ms. DeVroy stated that she was not contacted by Ms. Fajardo pertaining to the change of placement for Child 1 and never gave Ms. Fajardo approval to change the placement from Foster Parent 1 to Foster Parent 2. Ms. DeVroy further stated that Ms. Fajardo never informed her (Ms. DeVroy) that Foster Parent 2 was Ms. Brito's mother and Ms. DeVroy opined that when Child 1 was placed with Foster Parent 2, Devereux should have changed the FCM immediately. According to Ms. DeVroy, Ms. Fajardo routinely confused her (Ms. DeVroy) with former¹³ ISI Intake and Placement Specialist Jessica Viana.

Based on the testimony provided by Ms. DeVroy, Ms. Fajardo was re-interviewed by the OIG Investigator on October 7, 2011, at which time she provided the following testimony.

Testimony of Devereux Licensing Specialist Sussette Fajardo

Ms. Fajardo stated that she is not certain if she spoke to Ms. DeVroy or to Ms. Viana pertaining to the change of placement of Child 1. Furthermore, Ms. Fajardo stated that

¹² According to their website, Intervention Services, Inc. (ISI) offers a foster care program designed through the Department, which is designed to provide a positive and nurturing home for children removed from their home due to abuse and neglect.

¹³ Ms. DeVroy stated that Ms. Viana is currently a CPE in Cicuit 99.

she could not recall if she explained the relationship between Ms. Brito and Foster Parent 2 when she contacted ISI pertaining to the change of placement.

Testimony of Circuit 9 CPI Jessica Viana

Ms. Viana stated that she was previously hired to take a Placement Specialist at ISI until June 30, 2011, and did not recall if Ms. Fajardo contacted her pertaining to a possible change of placement for Child 1. According to Ms. Viana, if Devereux needed to change the placement of a child, then Devereux would attempt to find a new foster home for the placement; however, if Devereux could not locate a new foster home, then Devereux would contact ISI for assistance. Ms. Viana stated that when Devereux made a change of placement, Devereux would send notice to ISI by e-mail, at which time ISI noted the change of placement in ARGOS.¹⁴ Ms. Viana noted that she documented the change of placement (from Foster Parent 1 to Foster Parent 2) in ARGOS on June 23, 2011, and indicated that the change of placement was effective June 16, 2011. Ms. Viana stated that she always entered a change of placement the same day she was notified by Devereux; therefore, Ms. Viana opined that Devereux made the change of placement on June 16, 2011, but did not notify ISI until June 23, 2011. According to Ms. Viana, even though she could not recall if Ms. Fajardo contacted her pertaining to a possible change of placement for Child 1, she (Ms. Viana) stated that Ms. Fajardo never informed her (Ms. Viana) that Foster Parent 2 was Ms. Brito's mother.

Testimony of Devereux Family Case Manager Roxanne Brito

Ms. Brito stated that when Foster Parent 1 requested respite care for Ms. (Ms. Brito) and Ms. Velez met with Ms. Brito and Ms. Fajardo to discuss if Foster Parent 2 could provide respite care. Ms. Brito explained that she informed both Ms. Brito and Ms. Fajardo that Foster Parent 2 was her (Ms. Brito's) mother. According to Ms. Brito, she also sent an e-mail to Ms. Fajardo on the same date (June 16, 2011), noting that Foster Parent 1 requested respite care and a change of placement for Child 1. Ms. Brito explained that in the series of e-mails she exchanged with Ms. Fajardo, she (Ms. Brito) clearly noted that Foster Parent 2 was her (Ms. Brito's) mother. Ms. Brito stated that she never tried to hide the fact that she and Foster Parent 2 were related.

According to the OIG Investigator's review of a string of e-mails provided by Ms. Brito, the following information, in pertinent parts, was disclosed:

From: Roxanne Brito
To: Fajardo, Susette
CC: Velez, Vanessa
Date: June 16, 2011
Time: 11:07 AM
Subject: [Child 1]

¹⁴ According to ISI Director of Out of Home Care Amanda Dawson, ARGOS is a computer system used to track the placement of children in paid placements.

Foster Parents [Foster Parent 1's husband and Foster Parent 1], have stated that they are in need of immediate respite and placement to be able to deal with their health complications. [Child 1] will be placed in respite with [Foster Parent 2].

From: Sussette Fajardo
To: Brito, Roxanne
CC: Bird, Janice; Velez, Vanessa
Date: June 16, 2011
Time: 11:26 AM
Subject: Re: [Child 1]

Thank you Roxanne... Question though, is there anything that is hindering us from making this short term respite an official one or do I need to find another placement? Just asking.

From: Roxanne Brito
To: Fajardo, Sussette
Date: June 16, 2011
Time: 12:25 PM
Subject: Re: [Child 1]

No....my mom would love to keep him.
Roxanne Brito

From: Sussette Fajardo
To: Brito, Roxanne
Date: June 16, 2011
Time: 12:27 PM
Subject: Re: [Child 1]

Okay let me see what I can work out [sic] if no one objects.

ADDITIONAL INFORMATION

During this investigation, it was discovered that various Deneux staff members were aware of the potential conflict of interest on July 19, 2011; however, no corrective action was taken until August 3, 2011, at which time the case was reassigned to another FCM.

According to the OIG Investigator's review of e-mails provided by Ms. Gatten and Ms. Bird, the following information, in pertinent parts, was disclosed:

From: Emily Gatten
 To: Erickson-Newton, Lindsay; Llewellyn, Tia
 Date: July 19, 2011
 Time: 11:54 AM
 Subject: Fwd: FW: Potential conflict of interest

There is a child placed in [Foster Parent 2's] home that is Roxanne Britto's case, (mother/daughter). This is a conflict of interest. So, we have two options:

1 - either we give the home to someone else - I am against this decision b/c¹⁵ it is a Family Care home.

2 - We need to change the case manager and document in the edocsing record that although we know there is a PPOENTIAL conflict, we will put safeguards in place to ensure this does not happen.

From: Lindsay Erickson-Newton
 To: Fajardo, Susette; Wicini, Nora
 Date: July 19, 2011
 Time: 12:38 PM
 Subject: [Foster Parent 2's] home
 CC: Bird, Janice

There was a child placed in this home... [Child 1] who is 2 or 3 months old and I'm not sure when he was placed... This is a conflict of interest. No child case managed by Roxanne Britto can be placed with [Foster Parent 2] since that is her daughter.

INSPECTOR GENERAL'S COMMENTS

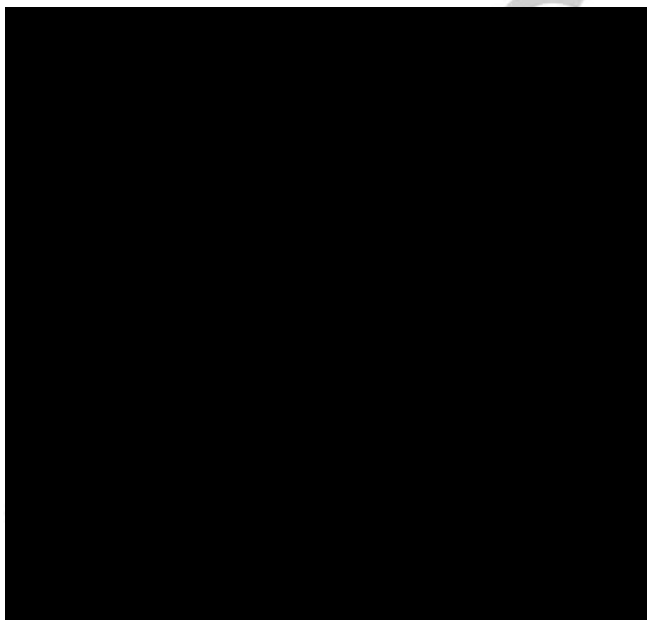
Based on witness testimony and records reviewed, the allegation that DeDevere Family Case Manager Roxanne Britto failed to make a mandatory child abuse report to the Hotline is **supported**. According to § 39.201(1)(a), F.S., "Any person who knows or has reasonable cause to suspect that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in this chapter, ... shall report such knowledge or suspicion to the department..." Ms. Britto documented in FSSN that she was informed of Child 1's healing fracture on July 4, 2011; however, Ms. Britto never filed a mandatory report with the Hotline.

¹⁵ Abbreviation for because.

Based on witness testimony and records reviewed, the allegation that Devereux Family Case Manager Roxanne Brito created a conflict of interest by working on a case of personal interest is **not supported**. Although Ms. Brito is the daughter of Foster Parent 2 and was also the Family Case Manager of a child placed in Foster Parent 2's care, Ms. Brito informed Devereux placement personnel on June 16, 2011 of her relationship to Foster Parent 2, prior to obtaining approval for the change of placement of Child 1 later that same date (June 16, 2011).

It is recommended that the Central Regional Managing Director review this report and take the following actions:

- Provide a copy of this report to the management of Community Based Care of Central Florida, Inc. and Devereux Foundation of Florida, Inc. and ensure that corrective action deemed appropriate is taken.
- Determine whether or not additional training regarding mandatory reporting requirements is warranted.
- Determine whether or not additional training is warranted regarding what constitutes a conflict of interest and avoiding such situations.



This investigation has been conducted in accordance with the ASSOCIATION OF INSPECTORS GENERAL Principles & Quality Standards for Investigations.

"Roxanne Brito"
<RBrito@devereux.org>

To:
cc:
Subject:

IG Complaints@DCF

Rebuttal of Case Number 2011-0084

01/04/2012 04:45 PM

** Confidential **
** High Priority **
** Reply Requested When Convenient **

Attention to:
Keith Parks, Chief of Investigations
David Guerdan, Investigator

I have attempted to reach you numerous times, left messages and have been unsuccessful. I would like to discuss my rebuttal pertaining to case number 2011-0084. I am in disagreement as well as disappointed that the allegation for failing to report has been supported. I followed protocol by notifying my superiors; documenting everything verbatim in FSN; obtaining the medical records as well as sending a status report to the court with all of the information obtained. The child was also seen by his primary doctor the following day and was provided a copy of the medical report. The physician did not feel that this was a reportable incident. If the foster mother had not read the medical report that she requested and provided this information to the primary care physician as well as to my attention, this incident would have fallen through the cracks. Why am I being held accountable for failure to report?

No one involved in this case felt a need to report the findings or as stated on the draft deemed it as a "failure to report". The child was seen by two doctors in two different locations and neither one of them reported the child's healing fracture nor viewed it as an abuse incident. There was also a Department of Children and Families institutional staffing held on or about July 19th where again, no one made a report or felt that there was a need to make a report at that time. CBC Lead Agency was also aware of the situation and they also did not call in a report or instruct me to do so. In all fairness, I documented what no one prior to me and after me reported. If the doctor who can tell from an injury whether it is abuse or not, did not call the hotline, everyone present at the Department of Children and Families institutional staffing did not report and CBC Lead Agency did not report how can this decision be deemed as supported?

By your supporting this allegation and holding me accountable, you are impacting my dedication, hard work and integrity to my position at Devereux foundation as well as that of the children on my case load. I take my job with the upmost interest in the safety and well being of the children and families that I service.

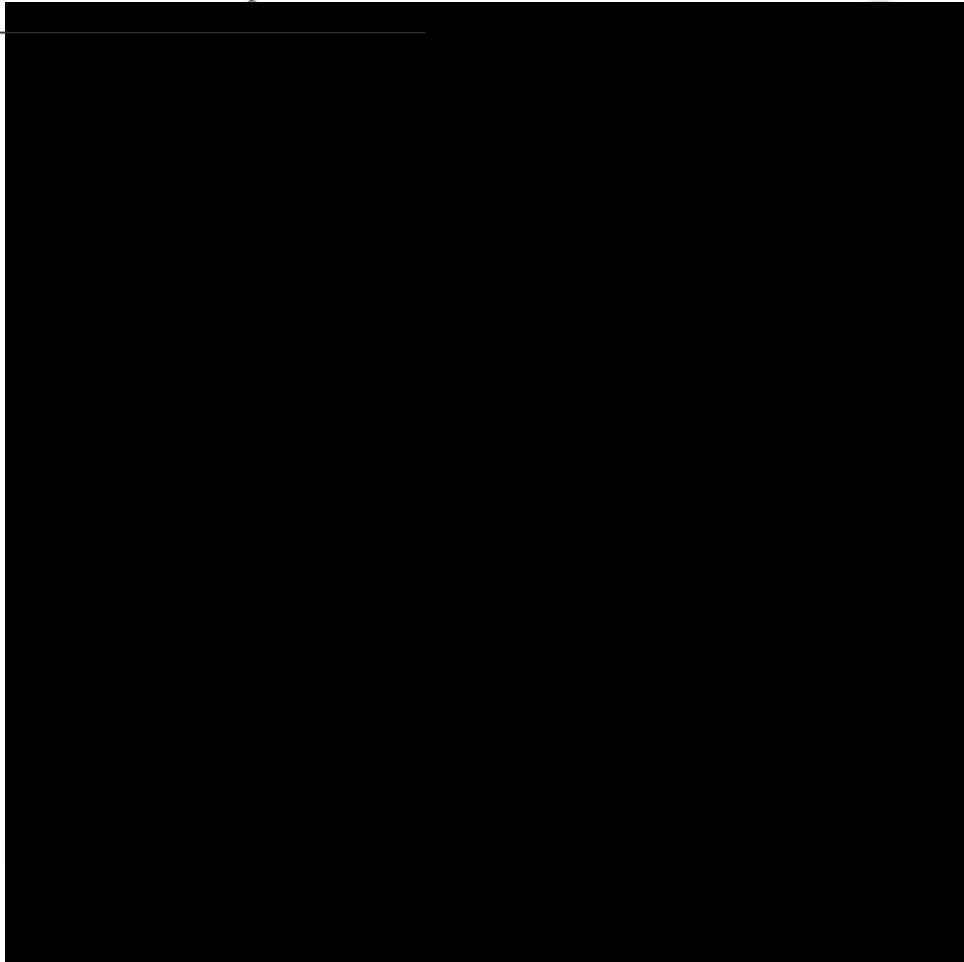
Based on my above explanation, I believe that the decision should not be supported. Therefore, I would like you to revisit the findings of the report and reconsider the decision that was made.

Thank you,
Roxanne Brito

Devereux Inspiring Hope. Empowering Lives.

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DEPARTMENT OF CHILDREN AND FAMILIES

OFFICE OF INSPECTOR GENERAL

David E. Wilkins
Secretary

Christopher T. Hilst
Inspector General

MEMORANDUM OF REBUTTAL TO SUBJECT RESPONSE

DATE: January 10, 2012

SUBJECT: Devereux Foundation of Florida, Inc. Family Case Manager Roxanne Brito

RE: IG Rebuttal to Subject Response in OIG Case #20111-00884

On January 4, 2012, the Office of Inspector General (OIG) received an email response from Devereux Foundation of Florida, Inc. (Devereux) Family Case Manager Roxanne Brito to investigative report #20111-00884. Ms. Brito noted that she was "in disagreement as well as disappointed that the allegation of failing to report [to the Florida Abuse Hotline (Hotline)] has been supported." Ms. Brito's concerns, as well as the OIG response to those concerns, are as follows:

- **Issue:** Ms. Brito explained, "I followed protocol by notifying my superiors; documenting everything verbatim in FSFN; obtaining the medical records as well as sending a status report to the court with all of the information obtained."

OIG Response: Ms. Brito is mandated to report any and all information regarding the reporting of information to a "superior" or documenting the information does not relieve her of that responsibility. In this case, she was informed that a 11 week old child had sustained a healing fracture of the ribs. As footnoted in the investigative report, "[Department of Children and Families (Department)] Suncoast Regional Legal Counsel Jennifer Lima Smith advised the OIG Regional Investigator Supervisor that the definitions within Chapter 39, Florida Statutes (F.S.), specifically § 39.39.01 (32)(a)1.b., F.S., addresses 'Harm' and entails 'Bone or skull fractures.' Based on that provision as well as § 39.301 (11)(a)1., F.S., which requires a child protective investigation be initiated when 'Any allegation that involves physical abuse, ... medical neglect...' is made, Ms. Lima Smith opined that Ms. Brito should have reported the injury (healing fracture) to the Hotline." The OIG agrees with that opinion.

- **Issue:** That the physician did not feel this was a reportable incident.

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OIG Response: The OIG does not have jurisdiction regarding the actions of the physician involved. In accordance with § 39.01 (32)(a)1.b., F.S., bone fractures fall into the category of harm, and as such, require reporting to the Hotline. Based on this fact, Ms. Brito would be required to report this matter to the Hotline regardless of the physician's opinion.

- **Issue:** Ms. Brito noted, "No one involved in this case felt a need to report the findings or as stated in the draft deemed it as a 'failure to report'."

OIG Response: Department Child Protective Investigations Supervisor Vanessa Snoddy, Child Protective Investigator James Seirean, and Diverse Program Director Tim Llewellyn all stated that the information pertaining to the bone fracture should have been reported earlier than it was actually reported (July 9, 2011). All of those individuals agreed that this information should have been reported by Ms. Brito when she discovered/documented it on July 4, 2011.

- **Issue:** Ms. Brito indicated, "There was also a [Department] institutional staffing held on or about July 19th where again, no one made a report or felt that there was a need to make a report at that time."

OIG Response: The OIG would concur that as of July 19, 2011, there was no longer a need to report the matter to the Hotline as the information had been reported to the Hotline 10 days earlier, on July 9, 2011.

Due to the fact that there is no new information that would substantially affect the findings of this investigation, the allegation that Ms. Brito failed to make a mandatory child abuse report to the Hotline remains **supported**.

